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11 Attorneys for the United States

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13  
14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16 MANICHANH SITIVONG,

17 Plaintiff,

18 v.  
19 THE UNITED STATES OF AMERICA,

20 Defendant.

21 Case No. 2:22-CV-00169-APG-DJA

22  
23 **JOINT PRETRIAL ORDER**

24 After pretrial proceedings in this case,

25 **IT IS SO ORDERED:**

26 I.

27 Manichanh Sitivong (“Plaintiff”) brings this tort action under the Federal Tort  
28 Claims Act (“FTCA”) against the United States of America (“United States”). Plaintiff  
alleges she sustained personal injuries from a motor vehicle accident on November 18,  
2019.

29 II.

30 The Court’s subject matter jurisdiction arises under the FTCA, codified at 28

1 U.S.C. § 1346 *et. seq.* Because this is an FTCA case, the Court will be acting as the trier-of-  
2 fact. There will be no jury trial in this case. Venue is proper under 28 U.S.C. § 1391(b)(2).

3 **III.**

4 The following facts are admitted by the Parties and require no proof:

5 1. Plaintiff and Jae Carlton Beasley were involved in a motor vehicle accident  
6 on November 18, 2019.

7 2. At the time of the accident, Jae Carlton Beasley was acting in the course and  
8 scope of his duties as a Federal Bureau of Investigation (“FBI”) employee.

9 **IV.**

10 The following facts, though not admitted, will not be contested at trial by evidence  
11 to the contrary: None.

12 **V.**

13 The following are the issues of fact to be tried and determined at trial:

14 1. The duty of care owed and to whom.

15 2. The actions or inactions taken to constitute a breach of duty of care.

16 3. The mechanism of the cause of the accident.

17 4. Whether, and to what extent, Plaintiff suffered injury and/or sustained  
18 damages from the accident.

19 5. The extent and quality of Plaintiff’s pre-existing medical conditions.

20 6. Whether Plaintiff’s alleged damages, if any, are attributable to medical  
21 conditions that pre-existed the accident.

22 7. Whether Plaintiff contributed to her own alleged damages.

23 8. Whether and to what extent Plaintiff incurred damages as proximately  
24 caused by his own negligence.

25 9. The type and extent of damages claimed for (1) past medical expenses; (2)  
26 future medical expenses; (3) loss of household services; and (4) pain and suffering.

10. Whether Plaintiff's claim for medical damages were reasonably and necessarily incurred and caused by the accident.

11. Plaintiff's efforts to mitigate her alleged damages.

VI.

The following are the issues of law to be tried and determined at trial:

**1. Duty of Care.** Generally, everyone has a duty to exercise reasonable care when their conduct creates a risk of physical harm to others. Nev. J.I. 4.3. Negligence is the failure to exercise the degree of care which an ordinarily careful and prudent person would exercise under the same or similar circumstances. *Id.* Ordinary care is care which persons of ordinary prudence exercise in the management of their own affairs to avoid injury to themselves or to others. *Id.* The issues as to duty are:

a. Whether the Parties were owed a duty of care.

**2. Proximate Cause.** A proximate cause of injury, damage, loss, or harm is a cause which, in natural and continuous sequence, produces the injury, damage, loss, or harm, and without which the injury, damage, loss, or harm, would not have occurred.

Nev. J.I. 4.4. The issues as to causation are:

a. Whether a breach in the duty of care proximately caused the accident.

**3. Comparative Negligence.** A plaintiff may not recover damages if his comparative negligence contributed more to his injury than the negligence of the defendant. Nev. J.I. 4.8. However, if the plaintiff is negligent, the plaintiff may still recover a reduced sum, so long as his comparative negligence was not greater than the negligence of the defendant. *Id.* The issues as to comparative fault are:

a. Whether Plaintiff was negligent (and if so, by what percentage).

b. Whether Plaintiff's negligence was a substantial factor in causing her own harm.

c. Does Plaintiff's percentage of negligence exceed the negligence of Jae

1 Carlton Beasley, if any, barring recovery pursuant to NRS 41.141.(1).

2 d. The percentage of negligence attributable to Plaintiff shall reduce the amount  
3 of such recovery by the proportionate amount of such negligence and the  
4 reduction will be made by the Court.

5 **4. Comparative Negligence of Non-Defendants.**

6 Defendant claims that Plaintiff is responsible for some or all of Plaintiff's claims.

7 The Court will return a special verdict indicating the percentage of negligence attributable  
8 to each party. Plaintiff may not recover damages if her comparative negligence has  
9 contributed more to her injury than the negligence of the Defendant. However, if the  
10 Plaintiff is negligent, she may still recover a reduced sum so long as his comparative  
11 negligence was not greater than the negligence of Defendant. The percentage of negligence  
12 attributable to the Plaintiff alone shall reduce the amount of such recovery by the  
13 proportionate amount of such negligence, and the reduction will be made by the Court.

14 N.J.I. 9.19.

15 **5. Damages.** In determining losses, if any, suffered by Plaintiff as a proximate  
16 (legal) cause of the accident concerning (1) past medical expenses; (2) future medical  
17 expenses; (3) household services; and (4) pain and suffering, the Court must take into  
18 consideration the nature, extent, and duration from the evidence and decide upon a sum to  
19 reasonably and fairly compensate reasonable and necessary medical expenses incurred in  
20 the past; future medical expenses; and pain and suffering. *See* Nev. J.I. 5.1. Additional  
21 issues for the Court's determination are as follows:

22 a. Whether Plaintiff's injuries, if any, were caused by pre-existing medical  
23 conditions that existed prior to the accident. A person who has a condition  
24 or disability at the time of the accident is not entitled to recover damages  
25 therefor. *See* Nev. J.I. 5.3. However, she is entitled to recover damages for  
26 any aggravation of such pre-existing condition or disability proximately  
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resulting from the injury. This is true even if the person's condition or disability made her more susceptible to the possibility of ill effects than a normally healthy person would have been, and even if a normally healthy person probably would not have suffered any substantial injury. *See Nev. J.I. 5.3.*

- b. Whether Plaintiff can prove by a preponderance of the evidence that they experienced any pain, suffering, or loss of enjoyment of life because of the accident, if at all. *See Nev. J.I. 5.1(5).*
- c. The physical and mental pain, suffering, anguish, and disability you believe the plaintiff is reasonably certain to experience in the future as a result of the accident, discounted to present value. *See N. J.I. 5.1(5).*
- d. Whether Plaintiff mitigated her alleged damages. *See Nev. J.I. 13.49.*

## VII.

The following exhibits are stipulated into evidence in this case and may be so marked by the Clerk:

### **1. Stipulated Exhibits Agreed to By the Parties**

1.	Spinal Rehabilitation Center, Inc. medical records and billing for dates of service 11/19/19 through 6/26/20	(PLTF 000001 – PLTF 000068)
2.	Las Vegas Radiology medical records with notarized Custodian of Records for date of service 11/19/19	(PLTF 000069 – PLTF 000072)
3.	Las Vegas Radiology billing statement for date of service 2/22/20	(PLTF 000073)
4.	Wal-Mart Pharmacy statement with notarized Custodian of Records for dates of service 1/16/20 through 4/04/22	(PLTF 000074 – PLTF 000088)
5.	NV Medical Consultants medical records and billing statement for dates of service 11/21/19 through 12/28/19	(PLTF 000089 – PLTF 000111)
6.	Box Canyon Surgery Center medical	(PLTF 000112 – PLTF 000229)

	records and billing with notarized Custodian of Records for dates of service 5/28/20 through 10/28/21	
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3	7. Orthopedic and Sports Medicine Institute of Las Vegas billing statement for dates of service 6/19/20 through 11/18/20	(PLTF 000230)
4		
5	8. Steinberg Diagnostic Medical Imaging Centers medical records and billing for	(PLTF 000231 – PLTF 000233)
6		
7	9. Southwest Medical Associates medical records for 3/5/21 through 3/11/21	(PLTF 000234 – PLTF 000277)
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9	10. Advanced Pain Consultants medical records with notarized Custodian of Records for dates of service 4/22/21 through 2/1/22	(PLTF 000278 – PLTF 000465)
10		
11	11. Advanced Pain Consultants billing statement for dates of service 1/14/20 through 2/1/22	(PLTF 000466 – PLTF 000468)
12		
13	12. Las Vegas Neurosurgery, Orthopedic & Rehabilitation medical records and billing for dates of service 7/9/21 through 2/24/22	(PLTF 000469 – PLTF 000504)
14		
15	13. Desert Orthopedic Center medical records and billing statement with notarized Certificate of Custodian of Records for dates of service 11/21/21 through 11/22/21	(PLTF 000505 – PLTF 000535)
16		
17	14. Baumann and Associates, Inc. medical records and billing with notarized Certificate of Custodian of Records for dates of service 11/23/21 through 2/23/20	(PLTF 000536 – PLTF 000596)
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19	15. Advanced Pain Consultants notarized Certificate of Custodian of Records	(PLTF 000597)
20		
21	16. Red Rock Diagnostics medical records and billing statement with notarized Certificate of Custodian of Records for date of service 7/15/20	(PLTF 000598 – PLTF 000606)
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23	17. Steinberg Diagnostic Imaging medical records for dates of service 7/15/20 and 10/5/20 and a billing statement for 10/5/20	(PLTF 000607 – PLTF 000631)
24		
25	18. Steinberg Diagnostic Imaging MRI of right knee without contrast taken 7/15/20 (compact disc)	(PLTF 000632)
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1	19.	Steinberg Diagnostic Imaging ultrasound of thyroid taken 10/5/20 (compact disc)	(PLTF 000633)
2	20.	Las Vegas Neurosurgery, Orthopedics and Rehabilitation x-rays of lumbar spine and pelvis taken 7/29/21 (compact disc)	(PLTF 000634)
3	21.	Las Vegas Metropolitan Police Department Property Damage Only Crash Report Event Number LLV191100082679 dated 11/18/19	(PLTF 000635 – PLTF 000636)
4	22.	Las Vegas Metropolitan Police Department Accident Information Exchange dated 11/18/19	(PLTF 000637)
5	23.	Seven black and white photographs depicting property damage to Plaintiff's 2009 BMW vehicle	(PLTF 000638 – PLTF 000644)
6	24.	One color photograph depicting property damage to Plaintiff's 2009 BMW vehicle	(PLTF 000645)
7	25.	Southwest Medical Associates billing statement for dated of service March 11, 2021	(PLTF 000646 – PLTF 000647)
8	26.	Steinberg Diagnostic Medical Imaging notarized Custodian of Records Certificate	(PLTF 000648)
9	27.	Advanced Pain Consultants updated medical records with notarized Custodian of Records for dates of service 1/14/20 through 9/10/20	(PLTF 000649 – PLTF 000774)
10	28.	Advanced Pain Consultants updated billing statement for dates of service 1/14/20 through 6/28/22	(PLTF 000775 – PLTF 000778)
11	29.	Las Vegas Radiology updated medical records with notarized Custodian of Records for dates of service 11/19/19 through 10/14/20	(PLTF 000779 – PLTF 000828)
12	30.	Orthopedic and Sports Medicine Institute updated billing statement for dates of service 6/19/20 through 3/11/21	(PLTF 000829 – PLTF 000832)
13	31.	Orthopedic and Sports Medicine Institute Future Bilateral Knees Surgery Recommendation dated 12/8/20	(PLTF 000833)
14	32.	Las Vegas Neurosurgery Orthopedics &	(PLTF 000834 – PLTF 000882)

	Rehab updated medical records with notarized Custodian of Records Certificate for dates of service 8/26/21 through 2/14/22	
33.	Southwest Medical Associates updated medical records and billing statement with Declaration of Custodian of Records Certificate for date of service March 11, 2021	(PLTF 000883 – PLTF 000945)
34.	HF Consulting billing statement with notarized Certificate of Custodian of Records for date of service 2/22/20 through 7/24/20	(PLTF 000946 – PLTF 000949)
35.	NV Medical Consultants updated medical records and billing statement with notarized Certificate of Custodian of Records for dates of service 11/21/19 through 12/28/19	(PLTF 000950 – PLTF 000973)
36.	Las Vegas Radiology notarized Certificate of Custodian of Records for date of service 7/24/20	(PLTF 00974 – PLTF 000977)
37.	Las Vegas Pharmacy billing statement for dates of service 6/1/21 through 6/13/22	(PLTF 000978)
38.	Advanced Pain Consultants updated medical records and billing statement with notarized Certificate of Records for dates of service 3/1/22 through 12/15/22	(PLTF 000979 – PLTF 001092)
39.	Medical Care Now medical records and billing statement for dates of service 12/16/20 through 1/5/21	(PLTF 001093 – PLTF 001215)
40.	Medical Care Now updated medical records and billing statement with notarized Custodian of Records for dates of service 6/4/20 through 11/21/22	(PLTF 001216 – PLTF 001289)
41.	Orthopedic and Sports Medicine Institute of Las Vegas updated medical records and billing with notarized Custodian of Records for dates of service 7/6/20 through 6/7/21	(PLTF 001290 – PLTF 001404)
42.	Advanced Pain Consultants updated billing statement for dates of service 8/25/20 through 4/4/23	(PLTF 001405 – PLTF 001409)

1	43.	Advanced Pain Consultants updated medical records with notarized Custodian of Records for dates of service 1/10/23 through 4/4/23	(PLTF 001410 – PLTF 001473)
2	44.	MML Physical Therapy medical records and billing with notarized Custodian of Record for dates of service 10/24/21 through 11/10/21	(PLTF 001474 – PLTF 001506)
3	45.	Orthopedic and Sports Medicine Institute of Las Vegas, updated billing statement for dates of service 2/3/21 through 3/11/21	(PLTF 001511 – PLTF 001513)
4	46.	Baumann and Associates updated medical records and billing statement with notarized Custodian of Records for dates of service 11/23/21 through 5/5/22	(PLTF 001514 – PLTF 001607)
5	47.	Spinal Rehabilitation Center, Inc. updated medical records and billing statement with notarized Custodian of Records for dates of service 11/19/19 through 6/26/20	(PLTF 001608 – PLTF 001700)
6	48.	Advanced Pain Consultants updated billing statement for dates of service 8/25/20 through 5/23/23	(PLTF 001701 – PLTF 001705)
7	49.	Advanced Pain Consultants updated medical records with notarized Custodian of Records for dates of service 8/25/20 through 5/23/23	(PLTF 001706 – PLTF 001736)
8	50.	Box Canyon Surgery Center updated billing statement for dates of service 5/28/20 through 3/30/23	(PLTF 001737 – PLTF 001738)
9	51.	Box Canyon Surgery Center updated medical records with notarized Custodian of Records for date of service 3/30/23	(PLTF 001739 – PLTF 001773)
10	52.	Southwest Medical Associates updated billing statement for dates of service 3/8/21 through 3/11/21	(PLTF 001774 – PLTF 001776)
11	53.	Southwest Medical Associates updated medical records for dates of service 5/28/20 through 3/8/21	(PLTF 001777 – PLTF 001848)
12	54.	Medical records and billing of Advanced Pain Consultants dated 8/25/20 through 7/11/24	(PLTF 001849 – PLTF 002002)
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1	55.	Correspondence with SF-95 Claim	(US 000001 – 32)
2	56.	American Collision Estimate	(US 000033 – 35)
3	57.	Spartan Recoveries communications	(US 000036 – 58)
4	58.	FBI Interview Report	(US 000059 – 60)
5	59.	Interview Notes	(US 000061)
6	60.	Traffic Accident Report	(US 000062 – 63)
7	61.	LV Neurosurgery Ortho & Rehab – Medical and Billing Records	(US 000064 – 000319)
8	62.	SDMI Responsive Records	(US 000320 – 000355)
9	63.	Baumann & Associates – Medical and Billing Records	(US 000356 – 000445)
10	64.	Las Vegas Radiology – Medical and Billing Records	(US 000446 – 000493)
11	65.	Nevada Medical Consultants – Records	(US 000494 – 000517)
12	66.	Advanced Pain Consultants – Medical and Billing Records	(US 000518 – 000949)
13	67.	Las Vegas Radiology – Billing Records	(US 000950 – 000951)
14	68.	Photograph of government vehicle post-accident	(US 000952)
15	69.	Orthopaedic & Sports Medicine Institute of Las Vegas	(US 000953 – 001069)
16	70.	Spinal Rehabilitation Center Medical, Billing & Radiology Records	(US 001070 – 001164)
17	71.	Southwest Medical Associates	(US 001165 – 001243)
18	72.	Box Canyon Surgery Center – Medical and Billing Records	(US 001244 – 1416)
19	73.	Desert Orthopedic Center – Medical and Billing Records	(US 001417 – 1437)
20	74.	LV Neurosurgery Orthopedic & Rehabilitation – Radiology	(US 001438 – 1439)
21	75.	SDMI Radiology	(US 001440 – 1442)
22	76.	Las Vegas Radiology CDs	(US 001443 – 1450)
23	77.	Southwest Medical Associates – Radiology	(US 001451 – 1453)
24	78.	Order Granting Motion for Termination of Probation of Mark B. Kabins, M.D., United States District Court, District of Nevada, Case No. 2:07-CR-0039-JLQ, filed on July 22, 2011	(PLTF 001507 – PLTF 001510)
25	79.	State of Nevada Department of Motor Vehicles Driver's Handbook, January 2018	(PLTF 002003 – PLTF 002080)

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1           **2. Plaintiff's Exhibits & Federal Defendant's Objections**

2           1.	3           Life Expectancy Table (PLTF 002081 – PLTF 4           002144)	5           Calls for speculation; expert 6           opinion; hearsay; relevance; 7           best evidence rule; prejudicial
2           2.	3           U.S. Census Life Expectancy Table, 2020 (PLTF 4           002145 – PLTF 002168)	5           Calls for speculation; expert 6           opinion; hearsay; relevance; 7           best evidence rule; prejudicial
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8           **3. Federal Defendant's Exhibits & Plaintiffs' Objections**

9           None.

10          **4. Electronic Evidence**

11          Currently, neither party anticipates presenting any electronic evidence. Should that  
12 change, the Court will be notified immediately.

13          **5. Depositions**

14          1. Plaintiffs will offer the following depositions: Plaintiffs do not intend to offer  
15 page and line designations at this time for any deposition transcripts. In the event Plaintiffs  
16 learn that a witness is unavailable to testify at trial, Plaintiffs will notify all parties and the  
17 Court of page and line designations of the unavailable witness' deposition transcript to  
18 offer at trial. Plaintiffs reserve the right to use deposition transcripts to refresh recollection,  
19 to impeach, and otherwise to use at trial in accordance with applicable rules, e.g., Fed. R.  
20 Civ. P. 32, and Fed. R. Evid. 801(d); *see also* Nevada state rules.

21          2. Federal Defendant will offer the following depositions: Federal Defendant  
22 does not intend to offer page and line designations at this time for any deposition  
23 transcripts. In the event Federal Defendant learns that a witness is unavailable to testify at  
24 trial, Federal Defendant will notify all parties and the Court of page and line designations  
25 of the unavailable witness' deposition transcript to offer at trial. Federal Defendant reserves  
26 the right to use deposition transcripts to refresh recollection, to impeach, and otherwise to  
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use at trial in accordance with applicable rules, *e.g.*, Fed. R. Civ. P. 32, and Fed. R. Evid. 801(d); *see also* Nevada state rules.

### 3. Objections To Depositions:

- a. Plaintiff's Objections: None.
  - b. Federal Defendant's Objections: None.

VIII.

The following witnesses may be called by the Parties at trial:

## **1. Plaintiff's Witnesses**

Witness(s)	Witness(s) Address
Manichanh Sitivong	<p>c/o Kane Myers, LLP d/b/a THE702FIRM  8335 W. Flamingo Road  Las Vegas, NV 89145  (702) 776-3333  And  c/o Law Offices of Chad M. Golightly, Ltd.  8560 S. Eastern Avenue, Ste 240  Las Vegas, NV 89123</p>
Jae Carlton Beasley	<p>c/o R. Thomas Colonna  Assistant US Attorney  501 S. Las Vegas Blvd., S., Suite 1100  (702) 388-6336</p>
Officer Paul Cervantes	<p>Las Vegas Metropolitan Police Department  400 S. Martin Luther King Blvd.  Las Vegas, NV 89101  (702) 838-3111</p>
Eamon H. Sullivan	<p>C/o US Attorney's Office</p>
30(b)(6) witness and/or custodian of records	<p>Nevada Department of Motor Vehicles  555 Wright Way  Carson City, NV 89711  (775) 684-4549</p>
Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witnesses and/or Custodian of Records Spinal Rehabilitation Darrin Bang, D.C. Tyler Myrick, D.C. Tyler Michels, D.C.	<p>Spinal Rehabilitation  911 N. Buffalo Drive, #101  Las Vegas, NV 89128  (702) 629-3900</p>

1	Marlene Duffy, D.C. Christopher Alegria, D.C.	
2	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records	Las Vegas Radiology 7500 Smoke Ranch Road, Suite 100 Las Vegas, NV 89128 (702) 254-5004
3	Jeffrey Markham, M.D. Elizabeth Huck, D.O.	
4		
5	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records	Walmart Pharmacy 702 SW 8 <sup>th</sup> Street Bentonville, AR 72716 (479) 204-6788
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7		
8	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records	NV Medical Consultants, LLC 2626 S. Rainbow Blvd., Suite 107 Las Vegas, NV 89146 (702) 850-2483
9		
10	Thomas Shang, M.D. Winnie Tong, M.D. Lindsay Hoffman, P.A. Raymund De La Cruz, P.A. Brian Shawder, P.A.	
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14	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records	Box Canyon Surgery Center 2555 Box Canyon Drive Las Vegas, NV 89128 (702) 316-4400
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16	Raimundo Leon, M.D. Robert Elson, M.D. Brian Hager, D.O. Roy Syme, D.O.	
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19	Treating Physicians and/or Treating Nurses and/or a Custodian of Records Randa Bascharon, D.O.	Orthopedic and Sports Medicine Institute of Las Vegas 7281 W. Sahara Avenue, #110 Las Vegas, NV 89117 (702) 947-7790
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21		
22	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records	Steinberg Diagnostic Imaging Red Rock Diagnostics, L.L.C. 7281 W. Sahara Ave., Suite 110 Las Vegas, NV 89117 (702) 947-7790
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24	Alison Nguyen, M.D.	
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27	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records Randa Bascharon, D.O. Dorothy Borden, R.N.	Southwest Medical Associates / Southwest Surgery Medical Center 2450 W. Charleston Blvd. Las Vegas, NV 89102 (702) 877-5199
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1	Edward Burke, M.D. Donald Wilson, R.N. Maria Isnit, C.S.T. Keely Johnson, R.N. Jennalynn Kramer, R.N.	
2	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian Records Raimundo Leon, M.D. Mark Kraft, M.D.	Advanced Pain Consultants 2650 Crimson Canyon Drive Las Vegas, NV 89128 (702) 731-2642
3	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records Mark Kabins, M.D. John Reneau, M.D. Myla Hyla, PA-C	Las Vegas Neurosurgery, Orthopedics & Rehabilitation 501 S. Rancho Drive, I-67 Las Vegas, NV 89106 (702) 243-4700
4	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Record Thomas Dunn, M.D.	Desert Orthopedic Center 2800 E. Desert Inn Road, Suite 100 Las Vegas, NV 89121 (702) 731-1616
5	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records Janet Baumann, Ph.D.	Baumann and Associates, Inc. 501 S. Rancho Drive, Suite F-37 Las Vegas, NV 89106 (702) 388-9403
6	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records	Las Vegas Pharmacy 2600 W. Sahara Avenue, #120 Las Vegas, NV 89102 (702) 220-3906
7	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records Donald McGrorey, M.D.	Medical Care Now 6955 N. Durango Drive, Unit 1115-337 Las Vegas, NV 89149 (702) 227-3669
8	Treating Physicians and/or Treating Nurses and/or 30(b)(6) Witness and/or Custodian of Records Karen Crawford, P.T.	MML Physical Therapy 911 N. Buffalo Drive, #101 Las Vegas, NV 89128 (702) 629-3900
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1           **2. Federal Defendant's Witnesses**

2           Federal Defendant does not intend on calling Plaintiff's treating medical providers  
 3 (excluding experts) on its direct case but reserves right to recall them, if needed.

4	Manichanh Sitivong	C/o Kane Myers, LLP d/b/a THE702FIRM 8335 W. Flamingo Road Las Vegas, NV 89145 (702) 776-3333 And c/o Law Offices of Chad M. Golightly, Ltd. 8560 S. Eastern Avenue, Ste 240 Las Vegas, NV 89123
9	Jae Carlton Beasley	c/o R. Thomas Colonna Assistant US Attorney 501 S. Las Vegas Blvd., S., Suite 1100 (702) 388-6336
11	Officer Paul Cervantes	Las Vegas Metropolitan Police Department 400 S. Martin Luther King Blvd. Las Vegas, NV 89101 (702) 838-3111
14	Benjamin T. Bjerke, MD, MS	1220 Spring Street Jeffersonville, IN 47130 (502) 888-1567
16	Michele J. Albers, MS, LPC, CRC, CLCP	2828 North Central Avenue, Suite 1031 Phoenix, AZ 85004 (602) 285-0625
18	Adam J. Lorenzetti, MD	40175 Deer Trail Ln. Waterford, VA 20197 (304) 282-8588
20	Keith Stolworthy, Ph.D., P.E. <sup>1</sup>	Dean Biomechanics, LLC P.O. Box 91001 Henderson, NV 89009 (702) 970-3326
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 26       <sup>1</sup> The Court should be aware that Plaintiff's counsel has informed they will be filing a  
 27 motion in limine to challenge / seek preclusion of the testimony of Keith Stolworthy,  
 28 Ph.D., P.E. Both parties will abide by the time / dates to which file appropriate motions in  
 limine after a meet-and-confer.

IX.

The attorneys have conferred and jointly offer the following three trial dates:

1. July 28, 2025
  2. September 8, 2025
  3. September 15, 2025

It is expressly understood by the undersigned that the Court will set the trial of this matter on one of the agreed-upon dates, if possible, if not, the trial will be set at the convenience of the Court's calendar.

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x.

It is estimated that the trial will take a total of 5 trial days.

**APPROVED AS TO FORM AND CONTENT:**

/s/ Mike Kane, Esq.

**Counsel for Plaintiff**

/s/ R. Thomas Colonna

## Counsel for Federal Defendant

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1                   **XI.**

2                   **ACTION BY THE COURT**

3                  This case is set for a bench trial on the July 25, 2025 stacked calendar at 9:00 a.m.

4                  Calendar call will be held on July 22, 2025 at 9:00 a.m. All in Courtroom 6C.

5                  This pretrial order has been approved by the Parties to this action as evidenced by their  
6                  signatures or the signatures of their counsel hereon, and the other is hereby entered and will  
7                  govern the trial of this case. This order may not be amended except by court order and based  
8                  upon the Parties' agreement or to prevent manifest injustice.

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13                 CHIEF UNITED STATES DISTRICT JUDGE

14                 DATED: November 12, 2024